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*Attorneys for Proposed Intervenor*

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Fund for Empowerment, *et al.*,

Plaintiffs,

v.

City of Phoenix, *et al.*,

Defendants.

Case No.: CV-22-02041-PHX-GMS

**Intervenor's Notice of Withdrawal of  
Motion to Dismiss under 12(b)(6) and  
12(b)(1) and in the Alternative to  
Abstain**

Intervenor hereby withdraw their motion to dismiss Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(1) (Doc 91) as they forgot to comply with LRCiv 12.1(c) as to the 12(b)(6) arguments. They will refile once they have complied with that rule. They apologize for the inconvenience.

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RESPECTFULLY SUBMITTED this 5th day of June, 2023.

**TULLY BAILEY LLP**

/s/ Stephen W. Tully

Stephen W. Tully  
Michael Bailey  
Ilan Wurman  
*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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By: /s/ Stephen W. Tully